

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARIO FABRIS,

Plaintiff,

vs.

CITY OF CHRISTOPHER, et al.,

Defendants.

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Case No. 23-cv-646-RJD-DWD

**MEMORANDUM & ORDER**

**DUGAN, District Judge:**

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Reona J. Daly, recommending that Plaintiff’s case be dismissed with prejudice for failure to comply with Magistrate Judge Daly’s orders to file an amended complaint and failure to respond to a Show Cause Order (Doc. 13). The R&R was entered on January 30, 2024. No objections have been filed. For the reasons stated below, the Court **ADOPTS** the R&R.

Where neither timely nor specific objections to the R&R are made, this Court need not conduct a *de novo* review. *See Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court should review the R&R for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

The Court has carefully reviewed Judge Daly’s Report and Recommendation. Plaintiff’s Complaint was dismissed without prejudice as being time-barred. Plaintiff was

granted leave to file an amended complaint on or before September 17, 2023, to allege a cause of action not barred by the statute of limitations. (Doc. 9). By October 11, 2023, Plaintiff had not filed an amended complaint, and Magistrate Judge Daly entered an Order to Show Cause, ordering Plaintiff to explain why this matter should not be dismissed for failure to prosecute. (Doc. 10). Plaintiff was warned that his failure to comply would result in this matter being dismissed with prejudice. Plaintiff did not comply with the Show Cause Order.

Considering the applicable law and the record before the Court, the undersigned agrees with Magistrate Judge Daly's conclusion that Plaintiff's action should be dismissed with prejudice for failure to prosecute an action and to comply with court orders. *See* Fed. R. Civ. P. 41(b). Accordingly, the Court **ADOPTS** Magistrate Judge Daly's Report and Recommendation (Doc. 13).

This matter is **DISMISSED WITH PREJUDICE**. The Court **DIRECTS** the Clerk to close the case and to enter judgment accordingly.

**SO ORDERED.**

Dated: March 26, 2024

s/David W. Dugan  
DAVID W. DUGAN  
United States District Judge